IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1140 OF 2007
IN
SUIT NO.1409 OF 1989

Ms.Freny K. Kolah. ..Plaintiff.

V/s.

Mohamedbhai A. Calcuttawala & Ors. ..Defendants.

And

Tayebali M. Calcuttawala ..Respondent.

Mr.Anirudha Joshi a/w. Mohd.Abraham i/b. M/s. Harilal Thakar & Co. for plaintiff.

Mr.Kishore P. Jain i/b. Mehta & Girdharilal for defendants.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 30, 2007.

P.C. :

1. Although this Chamber Summons is opposed by the Counsel for the Defendants, in my opinion, in the interest of justice, the same deserves to be allowed for the simple reason that it is common ground that the Plaintiff No.4 has become trustee in 1991. If it is so, the Plaintiff No.4 would represent the estate of the Trust. The Plaintiff Nos. 1 and 2 have since expired in 2001 and 1998 respectively. That however, will not render the entire suit having abated. Thus understood, as mentioned earlier in the interest of

justice, I am inclined to allow this Chamber Summons in terms of prayer clause (b) and (c) on condition that the Plaintiffs to pay costs to the Defendant quantified at Rs.3,000/- within two weeks from today. Besides, the amendment be carried out within two weeks from today. Ordered accordingly.

(A.M.KHANWILKAR,J)